



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

JOSE S. FARINANGO MUENALA,
a.k.a. JOSE FARINANGO,
a.k.a. J. SANTY FARINANGO,

Defendant.

SEALED INDICTMENT

24-cr-75-wmc

Case No. _____

18 U.S.C. § 1343

18 U.S.C. § 1341

18 U.S.C. § 1159(a) and (b)

THE GRAND JURY CHARGES:

BACKGROUND

1. At times material to this indictment:

Indian Arts and Crafts Act

a. The Indian Arts and Crafts Act (IACA) made it unlawful to offer, display for sale, or sell any good in a manner that falsely suggested that it was Indian produced, an Indian product, or the product of a particular Indian tribe resident in the United States.

b. Congress adopted the IACA as a truth-in-marketing law with the purpose of requiring those who produce and market art and craft work to honestly represent and clarify the degree of Indian involvement in the production of the art and craft work when it is sold, displayed, or offered for sale.

c. Under the IACA, an "Indian" meant any individual who was a member of an Indian tribe or certified by an Indian tribe as a non-member Indian artisan.

d. The unqualified use of the term “Indian” or of the term “Native American” in connection with an art or craft product was interpreted to mean for purposes of the IACA that the maker was a member of an Indian tribe, was certified by an Indian tribe as a non-member Indian artisan, or was a member of the particular Indian tribe named; and the art or craft product was an Indian product.

e. An “Indian tribe” meant any Indian tribe, band, nation, Alaska Native village, or any organized group or community which was recognized as eligible for the special programs and services provided by the United States.

f. The United States recognized 20 Pueblo Indian tribes as eligible for special programs and services provided by the United States.

g. An “Indian artisan” meant an individual who is certified by an Indian tribe as a non-member Indian artisan.

h. An “Indian product” meant any art or craft made by an Indian.

i. The term “made by an Indian” meant that an Indian provided the artistic or craft work labor necessary to implement an artistic design through a substantial transformation of materials to produce the art or craft work.

j. The term “Indian products” included but was not limited to art made by an Indian in a traditional or non-traditional style or medium, craft work made by an Indian in a traditional or non-traditional style or medium, or a handicraft made by an Indian.

Zapp

k. Zapp was an online service for artists to submit applications to art and craft festivals located throughout the United States. Artists had the ability to submit applications to multiple art shows at once, pay relevant application fees electronically, and electronically store application materials for future use, such as written statements and photographs.

l. Organizers of art shows and festivals used Zapp to receive and review applications submitted by artists.

m. Zapp maintained a record of the date and time an artist applied to a particular art show or festival and a copy of the application, including any photographs submitted with the application.

n. Zapp is based in Colorado, and the servers it uses to process and store information are located in New Mexico.

Art shows and festivals

o. Three Rivers Arts Festival 2016 was an art festival that took place between June 3, 2016, and June 12, 2016, in Pittsburgh, Pennsylvania that featured artisan vendors.

p. Virginia Highlands Festival – Juried Arts and Crafts Show 2019 was an art show that took place between July 26, 2019, and August 4, 2019, in Abingdon, Virginia that featured artisan vendors.

q. Arts & Apples Festival 2021 was an art festival that took place between September 10, 2021, and September 12, 2021, in Rochester, Michigan that featured artisan vendors.

r. St. Augustine Art and Craft Festival 2023 was an art festival that took place between January 7, 2023, and January 8, 2023, in St. Augustine, Florida that featured artisan vendors.

s. Grand Haven Art Festival 2023 was an art festival that took place between January 14, 2023, and January 15, 2023, in Grand Haven, Michigan that featured artisan vendors.

t. Loon Day 2023 was a festival that took place on August 2, 2023, in Mercer, Wisconsin that featured artisan vendors.

u. Loon Day 2024 was a festival scheduled to take place on August 7, 2024, in Mercer, Wisconsin that featured artisan vendors.

v. Milford Memories Arts in the Village 2024 was a festival scheduled to take place between August 9, 2024, and August 11, 2024, in Milford, Michigan that featured artisan vendors.

COUNT 1

Scheme to Defraud

2. From on or about December 3, 2015, and continuing to on or about January 17, 2024, in the Western District of Wisconsin and elsewhere, the defendant,

JOSE S. FARINANGO MUENALA, a.k.a. JOSE FARINANGO, a.k.a. J. SANTY

FARINANGO,

knowingly, and with intent to defraud, devised and participated in a scheme to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, promises, and by concealment of material facts.

3. It was part of the scheme to defraud that FARINANGO MUENALA devised a scheme wherein he would apply to display and sell jewelry at art shows and festivals throughout the United States. FARINANGO MUENALA submitted applications through Zapp, other online platforms, and the United States Postal Service.

4. It was further part of the scheme to defraud that FARINANGO MUENALA would falsely represent either in applications that he submitted to art shows and festivals or to attendees of said art shows and festivals that he was Native American and made the jewelry he displayed for sale in order to increase the artistic and monetary value of the jewelry. In fact, FARINANGO MUENALA was not Native American nor a member of an Indian tribe.

5. It was further part of the scheme to defraud that on or about December 3, 2015, FARINANGO MUENALA used the online service Zapp to submit an application to the Three Rivers Arts Festival 2016, in which in which he falsely represented that he derived from "the Pueblo Nation" in New Mexico. He further represented that he was both the artist and the designer for the jewelry he sought to display and sell at the Three Rivers Arts Festival 2016.

6. It was further part of the scheme to defraud that on or about February 7, 2019, FARINANGO MUENALA used the online service Zapp to submit an application to the Virginia Highlands Festival - Juried Arts and Crafts Show 2019, in which he falsely represented that he "was originally from Pueblo Nation, NM." He further represented that he was both the artist and the designer of the jewelry he sought to display and sell at the Virginia Highlands Festival 2019.

7. It was further part of the scheme to defraud that on or about February 10, 2021, FARINANGO MUENALA used the online service Zapp to submit an application to the Arts & Apples Festival 2021, in which in which he falsely represented that he created the jewelry he sought to display and sell at Arts & Apples Festival 2021 by using "techniques that my forefathers passed down to me" and that he created unique pieces that "demonstrate my Native American culture."

8. It was further part of the scheme to defraud that on or about January 7, 2023, FARINANGO MUENALA attended the St. Augustine Beach Art and Craft Show 2023, where he falsely represented to N.C., a festival attendee, that all of the jewelry he displayed for sale was made by the "Pueblo Nation" tribe in Taos, New Mexico. N.C. purchased jewelry from FARINANGO MUENALA on January 7, 2023.

9. It was further part of the scheme to defraud that on or about January 31, 2023, FARINANGO MUENALA used the service Zapp to submit an application to the Grand Haven Art Festival 2023, in which in which he falsely represented that "I am a

Native American artist preserving my culture through making contemporary and traditional jewelry.”

10. It was further part of the scheme to defraud that on or about April 17, 2023, FARINANGO MUENALA submitted an application to Loon Day 2023, using the Internet, in which he falsely represented that he intended to sell “hand crafted Native American traditional and contemporary sterling silver jewelry” that was artistically conceived and handcrafted by himself.

11. It was further part of the scheme to defraud that on August 2, 2023, FARINANGO MUENALA attended Loon Day 2023 as an artisan vendor, and falsely represented to festival attendees that he was of the “Pueblo Nation” tribe and that the jewelry he displayed for sale was made by him or his brother in Albuquerque, New Mexico.

12. It was further part of the scheme to defraud that between October 29, 2023, and November 10, 2023, FARINANGO MUENALA submitted an application to Loon Day 2024 by mail, in which he falsely represented that he was an “artisan/crafter” and that he intended to sell “Native American sterling silver jewelry and dream catchers” at Loon Day 2024.

13. It was further part of the scheme to defraud that on January 17, 2024, FARINANGO MUENALA used the service Zapp to submit an application to Milford Memories Art in the Village Festival 2024, in which he falsely represented that he derived from “Pueblo Nation in New Mexico.” He further represented was the artist

and designer for the jewelry he intended to sell at Milford Memories Art in the Village Festival 2024.

Wire

14. On or about April 17, 2023, in the Western District of Wisconsin and elsewhere, the defendant,

JOSE S. FARINANGO MUENALA, a.k.a. JOSE FARINANGO, a.k.a. J. SANTY

FARINANGO,

for the purpose of executing this scheme, knowingly caused to be transmitted, by means of wire communication in interstate commerce, the following writings, signals, and sounds: An email from FARINANGO MUENALA at tokyfar@gmail.com to Mercer Chamber of Commerce in the Western District of Wisconsin with photographs as part of his application to Loon Day 2023.

(In violation of Title 18, United States Code, Section 1343).

COUNT 2

1. Paragraphs 1-13 of Count 1 are incorporated here.

2. Between on or about October 29, 2023, and on or about November 10, 2023, in the Western District of Wisconsin and elsewhere, the defendant,

JOSE S. FARINANGO MUENALA, a.k.a. JOSE FARINANGO, a.k.a. J. SANTY

FARINANGO,

for the purpose of executing this scheme, knowingly used, and caused to be used, the U.S. mails, specifically, the defendant caused to be delivered by U.S. mail, an

application to Loon Day 2024 and check #2627 to the Mercer Chamber of Commerce in Mercer, Wisconsin.

(In violation of Title 18, United States Code, Section 1341).

COUNT 3

1. Paragraphs 1-13 of Count 1 are incorporated here.
2. On or about August 2, 2023, in the Western District of Wisconsin, the defendant,

JOSE S. FARINANGO MUENALA, a.k.a. JOSE FARINANGO, a.k.a. J. SANTY

FARINANGO,

knowingly offered and displayed for sale goods, specifically jewelry, not made by an Indian, in a manner that falsely suggested these goods as being Indian produced, Indian products, and the product of a particular Indian or Indian tribe resident within the United States.


(In violation of Title 18, United States Code, Section 1159(a) and (b)(1)(A)(i)).

A TRUE BILL



PRESIDING JUROR

Indictment returned: 2024-06-26



TIMOTHY M. O'SHEA
United States Attorney